

1 Q. Okay.

2 And directing your attention to it --

3 A. Yes.

4 Q. -- you begin by stating, well, I -- I am  
5 always sorry if people are upset, especially  
6 victims.

7 Do you see that?

8 A. I see that.

9 Q. Then going down to the middle of this, I'm  
10 going to read a portion of this as it has been  
11 attributed to you and then I'll ask you if you said  
12 that, okay?

13 A. Sure.

14 Q. Looking to the body of the exhibit  
15 beginning with the word the fact, the fact is the  
16 fact.

17 Do you see that sentence?

18 A. Uh-huh. I do. Thank you.

19 Q. I'm going to read that and then ask you if  
20 you recall saying it and if you do, I'll have some  
21 questions, okay?

22 A. Sure.

23 Q. Reading that portion, it states the fact  
24 is the fact remains that this abuse happened a

1 generation ago for the most part, from 1973 through  
2 1985. That's when it all happened so we're talking  
3 about it now.

4 Do you recall that's what you said to  
5 Marianne Ahearn at that time?

6 A. I'm sure I did.

7 MR. KLENK: I think in fairness, you should  
8 continue reading the rest of the sentence,  
9 Mr. Anderson.

10 MR. ANDERSON: Well, it speaks for itself but  
11 if you'd like me to, Cardinal, I will.

12 MR. KLENK: I'd like you to.

13 MR. ANDERSON: Okay.

14 BY MR. ANDERSON:

15 Q. But it's not actual now except McCormack,  
16 of course, which is a terribly devastating period  
17 in my life and the life of the church.

18 So is it correct to say that you're  
19 stating in this interview that excepting McCormack,  
20 this is all a problem that was a generation or more  
21 ago before 70 -- between '73 and '85?

22 A. So far as -- as --

23 Q. Is that what you're asserting?

24 A. Those are the statistics from the John Jay

1 report.

2 Q. I'm going to ask you to look at Exhibit 1.  
3 And as this is handed to you, you'll recognize this  
4 to be the list publicly disseminated and known as  
5 the Archdiocesan priests with substantiated  
6 allegations of sexual misconduct with minors and --

7 MR. KLENK: Excuse me, Mr. Anderson. I have  
8 something that's marked Exhibit 1A. Is that the  
9 document we're talking about?

10 MS. ARBOUR: It's one. Sorry.

11 MR. KLENK: Thank you very much. Didn't mean  
12 to interrupt.

13 MR. ANDERSON: No. Thank you.

14 BY MR. ANDERSON:

15 Q. And you'll see in the left-hand column,  
16 Bishop Goedert had marked part of this exhibit  
17 earlier but I'll just first ask you.

18 I've reviewed this exhibit and this is the  
19 list of the substantiated allegations of sexual  
20 misconduct with minors, right, as substantiated by  
21 the Archdiocese?

22 A. I'm sure it must be if -- if you've done  
23 that. I haven't read it but.

24 Q. And in it, my count is that there are 33

1 priests listed here who have been credibly accused  
2 and have been removed after you became cardinal?

3 A. There -- yes.

4 Q. Is it your position that those 33 or so  
5 priests that have been credibly recused -- accused  
6 and removed from ministry after 1997 stopped  
7 abusing?

8 MR. KLENK: Objection, foundation.

9 THE WITNESS: The -- I -- I can't say that's  
10 the case. I know of -- of a priest who abused --  
11 an Archdiocesan priest who abused a child while, to  
12 my shame, I was Archbishop is McCormack.

13 BY MR. ANDERSON:

14 Q. Is McCormack the only priest that has been  
15 credibly accused on your watch?

16 A. Oh, no, but there have been priests who  
17 have been credibly accused of crimes, sins that  
18 took place before I became Archbishop but only  
19 accused now since I've become Archbishop.

20 Q. Each of these 33 priests on Exhibit 1 were  
21 removed after your installation as Archdiocesan  
22 Cardinal but you're aware that each of them had  
23 been credibly accused of abuse that happened  
24 earlier, correct?

1           A.    In order to be removed, the Review Board  
2           had to give me a finding that there was reasonable  
3           cause to suspect they had abused a child no matter  
4           when that happened.

5           Q.    And would you agree, Cardinal, based on  
6           your knowledge of this topic, sexual abuse, that  
7           these priests once credibly accused are very likely  
8           to have reoffended?

9           A.    It's quite possible.

10          Q.    And then it's quite possible that they  
11          reoffended after 1985, is it not?

12          A.    Some -- well, some are dead. Some are  
13          long gone in other ways. But abstractly speaking,  
14          there's always that possibility.

15          Q.    And you're not going to know if they had  
16          reoffended after 1985 unless you, as Cardinal,  
17          either closely supervised them or removed them  
18          completely from ministry, correct?

19          A.    Or unless they're dead.

20          Q.    Well --

21          A.    Or they're no longer here. They're  
22          laicized. No -- we have no supervision of the  
23          laicized priests. So some are in nursing homes,  
24          quite a few now, but what would you -- like -- I

1 guess yes.

2 Q. Okay.

3 A. All I'm saying, sir, is that the  
4 circumstances are different from case to case.

5 Q. I'm going to show you what we marked as  
6 Exhibit 201.

7 A. Thank you.

8 MR. KLENK: Thank you.

9 BY MR. ANDERSON:

10 Q. And we prepared this chart distilling the  
11 information given us by the Archdiocese --

12 A. Uh-huh.

13 Q. And using Exhibit 1 and --

14 MR. KLENK: This is something you created then?

15 MR. ANDERSON: Yes.

16 BY MR. ANDERSON:

17 Q. And in it, we've identified priests  
18 removed or that have resigned after 1997 for  
19 allegations of sexual abuse made prior to 1997 when  
20 you became Archbishop, okay?

21 A. Yes, sir.

22 Q. There are 11 names identified here and the  
23 first column you'll see that the date when at least  
24 the file shows that they were first known to have

1       abused is listed.

2               Do you see that?

3           A.    I do see that.  Thank you.

4           Q.    And then the right-hand column is when  
5 they are identified as having been removed from  
6 ministry.

7               Do you see that?

8           A.    I do, sir.

9           Q.    You'll note here that most all of them  
10 with the exception of Daniel McCormack were removed  
11 in 2002 and that would have been at -- at the time  
12 of and response to imposition of the charter?

13          A.    That's correct.

14          Q.    You'll agree, would you not, Cardinal,  
15 that you in 1997 continued each of these priests in  
16 ministry after it became first known to the  
17 Archdiocese that these were offenders?

18          A.    Yes, I -- they were in ministry when I  
19 came.

20          Q.    And --

21          A.    Partial ministry.  Restricted ministry.

22          Q.    Beyond requesting the report that you  
23 identified and that you got from John O'Malley,  
24 have you done or did you do anything about these

1 priests known to you and to the Archdiocese who  
2 have now -- who were continuing in ministry and  
3 known to be offenders?

4 A. We maintained the restrictions that had  
5 been effective in protecting children.

6 Q. So you did it pretty much as it had been  
7 done by your predecessor?

8 A. In terms of limitations, yes.

9 Q. And didn't make any changes at that time?

10 A. At that time, I made no changes, no.

11 Q. Until 2002, correct?

12 A. That's correct. That's correct.

13 Q. I'd like to show you 2002 -- I'm sorry --  
14 202 and this is another little chart prepared by us  
15 that distills some of the information given us by  
16 your office that's -- that is an adavocation  
17 (phonetic) of priests removed after 1997 for  
18 allegations made on your watch after 1997.

19 A. Yes.

20 Q. And you'll see, again, there are here  
21 one -- seven priests identified and in the first  
22 column, it's when the Archdiocese's files reflect  
23 they first knew -- that's files only -- and you'll  
24 see those dates there, Cardinal?



1           A.    I do.

2           Q.    And then on the right-hand column is when  
3 they left ministry or were removed by you from  
4 ministry and/or placed on restriction?

5           A.    Uh-huh. Yes.

6           MR. KLENK: Objection to the form of the  
7 question. You can answer.

8           MR. ANDERSON: Well, we'll go left ministry or  
9 removed from ministry. Does that correct your  
10 objection?

11          MR. KLENK: Yes.

12          MR. ANDERSON: Okay.

13 BY MR. ANDERSON:

14          Q.    Now, you'll look at these and in the  
15 rot -- in the case of Robert Kealy, K-E-A-L-Y, you  
16 see, Cardinal, that it was first known in 2001  
17 and/or 2002 but not removed from -- until  
18 April 2006, some five or four years later, correct?

19          A.    That's correct.

20          Q.    Is it correct to say then that you, as the  
21 ultimate decider, Archbishop Cardinal, made the  
22 calculated risk to keep this guy in ministry after  
23 knowing that he had at least offended and been  
24 credibly accused of offending one child?

1 A. No, that's not correct, sir.

2 Q. Well, why did you keep him in ministry  
3 then for four, five years after it was first known  
4 to the Archdiocese?

5 A. Once an allegation of having abused  
6 someone when he was a minor occurred, it went to  
7 the Review Board and he was then taken out of  
8 ministry. There were apparently some allegations  
9 in his file that were not about sexual abuse of  
10 minors.

11 Q. And so in your view then, what prompted  
12 your removal from his ministry in 2006 when the  
13 files reflect it was -- he was first known to be an  
14 offender in 2001?

15 A. Offender of a minor child?

16 Q. Yes.

17 A. Then the Review Board must have decided  
18 that the allegation wasn't credible.

19 Q. So is it your view that this delay in  
20 taking action falls upon the Review Board and not  
21 on you?

22 A. No. No. It's certainly on me, you're  
23 correct, sir, but I need the corroboration of the  
24 Review Board's judgment that there is reasonable

1 cause to suspect in order to responsibly remove a  
2 man from ministry.

3 Q. You appoint the Review Board and they  
4 answer to you as consultants, correct?

5 A. That's correct.

6 Q. Ultimately, you're the decider. You're  
7 the one who makes the decision. All they can do is  
8 make recommendations, right?

9 A. That is correct, I need the  
10 recommendations to decide.

11 Q. Okay.

12 Look at John Robinson.

13 A. Uh-huh.

14 Q. You'll see that he was first known to have  
15 been an offender in June of 2002 and not removed  
16 from ministry by you until January of 2003.

17 Why the delay there, Cardinal?

18 A. You'd have to go back and look at when the  
19 Review Board took it up and then when they made  
20 their recommendation but in this case, I'm sure I  
21 removed him very quickly after their  
22 recommendation.

23 Q. And do you remember the reason for the  
24 delay if this information is correct?

1           A.    No.  I'm sorry, I don't.

2           Q.    Until 2002, did you, as the Cardinal  
3   Archbishop, make any effort to alert the community  
4   of faith and the public that you knew that you had  
5   these credibly accused offenders in ministry with  
6   or without restrictions?

7           A.    I asked that question and it's mixed.  In  
8   some cases, the whole parish knew about the  
9   allegation and that the Review Board thought it was  
10  an accurate allegation.  In some cases, only the  
11  priests concerned was supervising the person in his  
12  limited ministry.

13               None of these except one, I believe, had a  
14  ministerial appointment but they did help out.

15          Q.    Okay.

16               So it's correct to say then that at least  
17  until 2002, you made no effort to specifically warn  
18  the parishioners that these offenders and others  
19  known to the Archdiocese to be in ministry  
20  and/or -- let me rephrase that.

21               It's correct to say that before 2002, you  
22  never made any effort to warn the parishioners that  
23  you had a number of offenders in ministry?

24          A.    Many knew that there were some priests who

1 had this allegation who were still in ministry but  
2 none of them, with one exception, had an  
3 appointment to a parish.

4 Q. Who's the one that -- when you say many  
5 knew, who is many and who did they know about if  
6 you didn't tell them?

7 A. The -- the -- the parish where John  
8 Calicott was pastor knew. In fact, it was the  
9 subject of many public discussions in the parish  
10 itself. That's the only one who had a pastoral  
11 ministerial assignment.

12 Q. And some people knew about Calicott  
13 because there was some media coverage concerning  
14 Calicott because of his refusal to leave and some  
15 controversy around him, correct?

16 A. I wasn't here at that time, sir.

17 Q. In any case, those people knew about  
18 Calicott because of actions taken not by you but by  
19 others?

20 A. By the authorities of the Archdiocese, I  
21 believe.

22 Q. So my question to you then --

23 A. But I wasn't here.

24 Q. My question to you then, Cardinal, is what  
63

1     action did you take before 2002 to warn and alert  
2     any of the community of faith or the public that  
3     you knew and your office knew that there were  
4     clerical offenders who were either in ministry or  
5     were being monitored by the Archdiocese?

6           A.    I was told that the people who were  
7     responsible for protecting children knew and were  
8     satisfied with the restrictions in place.

9           Q.    Who told you that?

10          A.    Again, Mr. O'Malley.

11          Q.    Well, O'Malley's just an advisor. He's  
12     not the one that decides this, right?

13          A.    I believe so.

14          Q.    So if there was a risk here, you're the  
15     one that decided to take it, right?

16          MR. KLENK: Please don't point at the witness  
17     when you ask questions.

18          MR. ANDERSON: That's -- I didn't mean to.

19          THE WITNESS: I -- I was -- no. That's all  
20     right, sir.

21          MR. ANDERSON: Yeah.

22          THE WITNESS: I was assured there was no risk.

23          MR. ANDERSON: Okay.

24          THE WITNESS: I was operating under that

1 assumption.

2 BY MR. ANDERSON:

3 Q. And you, in any case, made the decision  
4 and the calculation based on the information given  
5 you, correct?

6 A. Yes, I acted or didn't based on the  
7 information I had.

8 MR. ANDERSON: Should we take a break here?

9 MR. KLENK: Yes, but before we do, I'd like to  
10 note your chart here, 202, shows Robert Kealy as  
11 leaving ministry in 2006 and first known in 2001,  
12 2002. I think the correct record, it just occurred  
13 to me, is he left in 2002, not 2006 but this is --  
14 these are charts that you prepared.

15 MR. ANDERSON: Yes. If we made a mistake,  
16 we'll take responsibility for it.

17 MR. PEARLMAN: Just -- just for the record, the  
18 Archdiocese's website says 2006.

19 MR. ANDERSON: We took it off the website  
20 information so --

21 MR. PEARLMAN: If that's not accurate,  
22 that's --

23 MR. ANDERSON: And that would be in Exhibit 1.

24 MR. KLENK: Okay. Thank you very much.

1 MR. PEARLMAN: But that may be inaccurate.

2 MR. KLENK: Thank you.

3 THE WITNESS: That one we moved fast on.

4 MR. ANDERSON: Okay. We'll take a break here.

5 MR. KLENK: Thank you very much.

6 THE VIDEOGRAPHER: We are going off the record  
7 at 11:37 a.m. This is the end of videotape number  
8 one.

9 (A short break was taken.)

10 THE VIDEOGRAPHER: We are back on the record at  
11 11:52 a.m. This is the beginning of videotape  
12 number two.

13 MR. KLENK: Before we get started, I checked on  
14 the break about this Kealy point. Kealy resigned  
15 in '06. I think that's what the website says but  
16 he was taken out in '02 which might cause a  
17 question for you. That's clear now.

18 BY MR. ANDERSON:

19 Q. Cardinal, I'd like to go back for a moment  
20 to something you had said before the break and,  
21 that is, that in 1997 and until 2002, you had been  
22 lead to believe that the monitoring program that  
23 had been in place was effective, at least you were  
24 lead to believe that, right?



1           A.    With the restriction in ministry and the  
2           fact that the civil authorities knew everything  
3           that we knew.

4           Q.    Were you aware and had it come to your  
5           attention that prior to your appointment as  
6           Archbishop and Cardinal that Father Mayer offended  
7           while he was under monitoring or restriction?

8           A.    I'm not sure of the details of that case  
9           because he was gone before I got here.

10          Q.    Are you aware that Father Mayday offended  
11          while under monitoring or restriction?

12          A.    That, I was not aware of. I thought that  
13          Mayday was in prison -- he was when I came -- and  
14          for an abuse that I was given to understand was the  
15          first reported but I -- you could be right.

16          Q.    Are you aware that Father Vincent  
17          McCaffrey prior to your appointment in 1997  
18          reoffended or offended while under monitoring or  
19          restriction?

20          A.    I don't know the details of that. I don't  
21          know how he was monitored or restricted.

22          Q.    Are you aware --

23          A.    He was gone also when I came.

24          Q.    Are you aware or has it come to your

1 attention that Father Marion Sneig, S-N-E-I-G,  
2 offended or reoffended while under this monitoring  
3 or restriction?

4 A. No, I'm not aware of that. I think he was  
5 restricted and then taken entirely out after the  
6 Review Board saw the case but my understanding was  
7 that was the first case that we knew of.

8 Q. Are you aware that Father Robert Craig  
9 offended or reoffended while under this monitoring  
10 or restriction?

11 A. I was not aware of that. He was gone also  
12 when I came.

13 Q. Are you aware that Father Fitzharris  
14 offended or reoffended while under this monitoring  
15 or restriction?

16 MR. KLENK: I would object to foundation but  
17 answer.

18 THE WITNESS: No, I -- I -- I don't know that.  
19 I don't know that they were monitored or  
20 restricted. They were out of ministry before I  
21 ever got here.

22 BY MR. ANDERSON:

23 Q. I'm going to direct your attention to  
24 Exhibit 203.

1 A. Thank you.

2 MR. KLENK: Thank you.

3 BY MR. ANDERSON:

4 Q. And this would be dated in February  
5 of 2006?

6 A. Uh-huh.

7 Q. It is a letter from you, as I read it, to  
8 Dear Brothers and Sisters in Christ and that would  
9 be from you to the community of faith in Chicago?

10 A. That's correct.

11 Q. And directing your attention to the third  
12 paragraph, the last sentence, I'd like to read it  
13 and then ask you a question. It states it now  
14 seems that additional information was available  
15 that did not reach our offices. The process we had  
16 used well to remove predators was not engaged  
17 quickly enough.

18 Are those your words?

19 A. They are.

20 Q. And what do you mean here?

21 A. I mean that the Defenbaugh report showed  
22 how information that was available was not shared  
23 and, therefore, the judgments were made on the  
24 information available. It was not adequate and a

1 boy was abused and this is -- this is something  
2 that I have to live with because it's a terrible  
3 crime and it was on my watch.

4 Q. And do you agree the Defenbaugh report  
5 that you commissioned and you just referred to,  
6 effectively, faults you for the failures of this  
7 Archdiocese?

8 A. In the sense that I am responsible but I  
9 think it also shows that I acted on the information  
10 that was given to me.

11 Q. The next paragraph, I presume you're  
12 sending this to the community of faith because  
13 there's been a lot of public attention about the  
14 Defenbaugh report and the disclosure regarding  
15 McCormack, right? Is that right?

16 A. Yes, of course, that's --

17 Q. So you're offering an apology here, are  
18 you not?

19 A. I'm apologizing to every Catholic because  
20 that's a matter of great shock and embarrassment to  
21 the whole church.

22 Q. And so the next paragraph is your apology,  
23 correct?

24 A. That's right.

1           Q.    I'd like to read that and ask you a  
2           question.  It states I must apologize to all of you  
3           for the great embarrassment every Catholic must now  
4           feel in light of media scrutiny of these events.

5                   My question to you, first, is why didn't  
6           you apologize for failures by your office before  
7           media scrutiny?

8           A.    I think that's understood but the letters  
9           I was receiving were always in reaction to what  
10          they had learned from the media.  That's all that's  
11          intended there.

12          Q.    The next sentence states and I quote, in  
13          particular, I am deeply sorry for the pain of those  
14          Catholics who are part of St. Agatha Parish.

15                   When I read this, can you tell me where  
16          you apologized to the community of faith, if you  
17          do, for the decisions that you made?

18          A.    I went to St. Agatha's school and church  
19          when the allegations became public against him with  
20          the second arrest and apologized there and I  
21          continue to apologize as much as I can to both the  
22          school community -- many of them not Catholic --  
23          and to the Catholics of the parish, yes.

24          Q.    Okay.

1           So if I'm hearing you correctly, you made  
2   a personal apology to the Catholics that attended  
3   the meetings at St. Agatha but you chose not to  
4   make such an apology for your decisions to the  
5   community of faith at large in this document,  
6   correct?

7           MR. KLENK: Object, the document speaks for  
8   itself.

9           THE WITNESS: Yes. I'm sorry, sir. I don't  
10   draw the same conclusion. I would draw just the  
11   opposite conclusion from this document but perhaps  
12   I'm not reading it well.

13          BY MR. ANDERSON:

14           Q. Well, maybe you can point to me where you  
15   apologize for your decisions or your mistakes to  
16   the community of faith?

17           A. I must apologize to all of you, the  
18   community of faith, for the great embarrassment  
19   every Catholic must now feel in the light of the  
20   fact that we made all these mistakes and they're  
21   all public. What the media scrutinized was our  
22   mistakes so certainly, it's an apology for these  
23   mistakes.

24           Q. Where do you say here that you made

1 mistakes, Cardinal?

2 A. Do you want me to read --

3 Q. If you could point me to it. I'm just  
4 looking for it.

5 A. You know, I -- I went before the cameras  
6 and admitted my mistakes and apologized at  
7 St. Agatha's and I think this is a reprise of that.

8 Q. When you write this paragraph --

9 A. I pray that a failure to act more quickly  
10 on my part will not harm the Archdiocese itself. A  
11 failure to act more quickly on my part will not  
12 harm the Archdiocese itself.

13 Q. I'd like to refer you to the Defenbaugh  
14 and Associates report commissioned by you.

15 A. Thank you. Yes.

16 Q. And at the same time Defenbaugh and  
17 Associates were commissioned, you commissioned  
18 Childers to look at the monitoring --

19 A. That's --

20 Q. -- and we've already marked that exhibit,  
21 that was 49.

22 The Defenbaugh report has been marked  
23 Exhibit 106; is that correct?

24 A. Yes, sir.

1 Q. And you've read this and so you are  
2 familiar with it, correct?

3 A. I read it many months ago now, yes.

4 Q. And my first question to you is do you  
5 dispute any of the findings made or conclusions  
6 reached in it?

7 A. No. In the course of months, sometimes  
8 other things come forward but this shows us where  
9 we made terrible mistakes in handling the McCormack  
10 allegations.

11 Q. Defenbaugh and Associates were  
12 commissioned by you to look at a very narrow issue  
13 and, that is, the Archdiocese's pertaining --  
14 conduct pertaining to two priests that were  
15 selected by you, correct?

16 A. That was the focus but they included, as  
17 you can tell, general policies and their effect but  
18 those were the cases.

19 Q. And the -- their focus was then limited to  
20 Fathers Bennett and McCormack, correct?

21 A. That's correct.

22 Q. And they were then provided information  
23 pertaining only to Bennett and McCormack, at least  
24 their files?



1           A.    They had a chance to review any file that  
2   they wanted to.

3           Q.    Well, the information that they got was  
4   all that which was provided by your office,  
5   correct?

6           A.    I believe so. I wasn't part of that  
7   procedure as they were moved along.

8           Q.    And are you aware of Defenbaugh and  
9   Associates having received information pertaining  
10   to the files of any other priest besides McCormack  
11   and Bennett?

12          A.    I believe when the report was made to  
13   satisfy the requests of the big panel of experts  
14   that supervised our implementation of the  
15   Defenbaugh report, the report included satisfaction  
16   on his part that everyone who had been accused of  
17   sexual abuse and -- of a minor and the accusation  
18   was reasonably judged to be correct was out of  
19   public ministry.

20          Q.    So it's fair to say that you limited it to  
21   Bennett and McCormack?

22          A.    This focus is here, yes.

23          Q.    Okay.

24                Referring you to the exhibit and I'd like

1 to direct your attention to the second page.

2 A. Yes, sir.

3 Q. And I've highlighted portions of that to  
4 save time. And at the bottom of it, the  
5 highlighted portion in it reads even after the  
6 arrest/detainment of Father McCormack on an  
7 allegation of sexual abuse of a minor in  
8 August 2005, Archdiocesan personnel delayed  
9 reporting his arrest/detainment to Cardinal George  
10 for almost three days even though Cardinal George  
11 was present within Archdiocesan territory and  
12 available for such information.

13 Who is that that delayed this report to  
14 you as documented by Defenbaugh?

15 A. Normally, since he had been arrested and  
16 then released back to society by the police, it  
17 would have been at that point the Vicar for Priests  
18 who would have been involved in that and that was  
19 the case here.

20 Q. Father Grace?

21 A. That's correct.

22 Q. Who else knew before you were told of this  
23 besides Father Grace?

24 A. I believe he told the one in charge while

1 I was gone, Bishop Rassas.

2 Q. Bishop Rassas?

3 A. George Rassas, yes. I think he was not  
4 yet ordained a bishop. He had been appointed but  
5 he wasn't yet ordained.

6 Q. He was then Vicar General?

7 A. Vicar General, that's correct, uh-huh.

8 Q. Who else besides Grace and Rassas?

9 A. I would imagine that the person in charge  
10 of investigating child abuse allegations was  
11 certainly notified also.

12 Q. And do you know who that was?

13 A. That would be Leah McCluskey.

14 Q. Anybody else?

15 A. Well, Leah would be in touch with the  
16 Review Board and would let the Review Board know  
17 what she knew. My canonical advisor to the Review  
18 Board probably also knew then.

19 Q. Who's that?

20 A. Father -- I'm sorry. I'm not thinking  
21 very well. I know his name. I'm very embarrassed.  
22 Dan -- I'm -- I'm sorry. I --

23 Q. Smilanic?

24 A. I beg your pardon. Smilanic, yes. You're

1 correct, sir. Thank you.

2 Q. What about Lago?

3 A. Lago would not have been in the loop at  
4 that time. He was not responsible for these cases.

5 Q. Who is the point man for allegations of  
6 sexual abuse at that time if it wasn't Lago?

7 A. The person responsible for receiving the  
8 allegations, Ms. McCluskey and the Vicar For  
9 Priests.

10 Q. What about O'Malley?

11 A. Well, certainly, O'Malley would have known  
12 and did know because he is in good communication  
13 always with the civil authorities. So he would --

14 Q. So O'Malley knew before you knew?

15 A. I'm -- I'm sure he must have.

16 Q. I refer you to page --

17 A. I would think he would anyway, I mean.

18 Yes, sir.

19 Q. And at the top of it, I'd like to read it  
20 and then ask you a question. It states certain  
21 Archdiocese personnel had within its possession  
22 information from local law enforcement and the  
23 State's Attorney that the August 2005 allegation  
24 against Father McCormack was credible.

1           When it is stated here that Archdiocese  
2       personnel had in its possession this information,  
3       who does this refer to?

4           MR. KLENK: Objection, foundation.

5           THE WITNESS: Would you then please ask the  
6       question again if you want me to answer.

7       BY MR. ANDERSON:

8           Q.   Who is the Archdiocese -- who is the  
9       Archdiocese personnel that had within its  
10      possession information from local law enforcement  
11      and the State's Attorney that the August '05  
12      allegation against McCormack was credible?

13          A.   I am not entirely certain but of the  
14      people we mentioned, I would believe it would be  
15      Father Grace and Mr. O'Malley.

16                I did not know then.

17          Q.   It goes on to state the recommendation for  
18      removal of Father McCormack of his pastoral duties  
19      and to sever Father McCormack's conduct with minors  
20      was not made until October 15, 2005 when the Review  
21      Board recommended that Father McCormack be removed  
22      from ministry.

23                Why, Cardinal, was there a delay between  
24      August of '05 and October 15, 2005?

1           A.    I think that's incorrect.  Because when  
2   Father Grace told me, almost by accident assuming  
3   that I knew, that Father McCormack had been  
4   arrested, he also told me that his ministry was  
5   restricted to adults; that he could not be alone  
6   with minors and that a supervisor, a monitor, had  
7   been appointed.  In other words, the restrictions  
8   that had been effective in our history here were in  
9   place already at the end of August regarding  
10  McCormack.

11          Q.    Is it your testimony then, Cardinal, that  
12  you removed him from ministry as soon as you  
13  received any information that he was suspected of  
14  abusing a child?

15          A.    No.  I didn't say that, sir.

16          Q.    And then what was incorrect then about the  
17  statement I just read to you?

18          A.    The recommendation to sever  
19  Father McCormack's contact with minors was not made  
20  until October 15th.  In fact, he was put under  
21  restrictions to not have contact with minors as  
22  soon as he was arrested.

23          Q.    And those restrictions were simply  
24  somebody telling him not to be around kids alone,

1 right?

2 A. That's correct. I presume they were  
3 spelled out. They always have been in these cases.

4 Q. It was the Review Board that recommended  
5 he be removed from ministry October 15th, was it  
6 not?

7 A. They gave me that advice, yes. I wish  
8 that I had followed it with all my heart.

9 Q. You didn't follow it?

10 A. I didn't because I thought that they had  
11 not finished the case's investigation. They hadn't  
12 considered all the evidence.

13 Q. Well, if you don't follow their  
14 recommendations, why do you have them?

15 A. Because they do wonderful work but their  
16 conclusions depend upon the evidence they've  
17 considered. If evidence isn't considered, then the  
18 conclusion isn't final.

19 Q. Well, the State's Attorney and  
20 Archdiocesan personnel, according to this in the  
21 first sentence, had information that this was a  
22 credible allegation in August of 2005?

23 A. I didn't hear that but I would also -- I  
24 did ask myself if they thought he was guilty,

1 surely, the State would not have released him back  
2 to society to be a danger to children.

3 Q. So you made the calculation to,  
4 essentially, disregard the State's Attorney this  
5 was credible and Archdiocesan personnel that this  
6 was credible, didn't you?

7 MR. KLENK: Objection to the form of the  
8 question.

9 THE WITNESS: No, I did not.

10 BY MR. ANDERSON:

11 Q. Well, you didn't act on it.

12 A. They didn't tell me that. They,  
13 themselves, released him back to society --

14 Q. Did you --

15 A. -- which is something I don't understand  
16 very well.

17 Q. You say they didn't tell you, Cardinal.  
18 Did you ever ask them?

19 A. No. I had the usual conduits of  
20 information that I relied on. I ask myself now why  
21 I did not more aggressively --

22 Q. Were you --

23 A. -- pursue it.

24 Q. Were you too busy with other things?



1           A.    I had my responsibilities as Archbishop,  
2   yes.

3           Q.    So when you ask yourself why you never  
4   asked the question when the State's Attorney had  
5   this, Archdiocesan personnel had this, they knew it  
6   was credible in August of '05, do you now ask  
7   yourself why didn't I ask? Why didn't I look? Why  
8   didn't I --

9           A.    And I ask myself first why didn't they  
10   tell me.

11          Q.    First, what's your answer to yourself?  
12   What answer do you give us today as to why you  
13   didn't ask?

14          A.    I trusted in the system that I thought had  
15   served us well and I'm sorry that I did.

16          Q.    What system did you trust in that failed?

17          A.    The system of reporting immediately to the  
18   police. In this case, they knew and they had set  
19   him free which I interpreted to mean they didn't  
20   think he was a danger. The system that had us  
21   restricting ministry so that he had no contact with  
22   children and the system that put a supervisor in  
23   place to whom he reported to be sure that he was  
24   limiting his ministry while the investigation moved

1 forward.

2 Q. Are the failures that you're referring to  
3 now, Cardinal, your failures or the failures of  
4 people who answer to you?

5 A. I think all of us failed in the end. I  
6 must take responsibility for it.

7 Q. In October 15, 2005, the review -- Review  
8 Board recommends his removal, correct?

9 A. They advised me to remove him without  
10 telling me they thought he was guilty.

11 Q. Well, they wouldn't advise you to remove  
12 him from ministry unless they received information  
13 that caused them or gave them reason to believe,  
14 correct?

15 A. No, that's correct. They didn't say that.  
16 Had they said that, that would have been the end.  
17 They didn't have the information necessary to  
18 pursue an allegation. They told me that.

19 Q. Who told you that?

20 A. Leah McCluskey. In making the advice, she  
21 said we have not finished the case. We can't  
22 finish it. We're stymied.

23 Q. But the Board on October 15th recommended  
24 to you remove him, right?

1           A.    They advised that he be removed from  
2    ministry, that's correct.

3           Q.    And that was the full board acting  
4    unanimously, was it not?

5           A.    I believe it was. I don't recall the --  
6    you know. You've read the report.

7           Q.    And Leah McCluskey doesn't sit on that  
8    board. It was the -- it was your board that you  
9    appointed as consultants on this issue that  
10   unanimously made the recommendation of removal,  
11   correct?

12          A.    They had --

13          MR. KLENK: Please don't -- please don't point  
14   at him.

15          MR. ANDERSON: I'm not pointing at him.

16          THE WITNESS: They advised that he be removed  
17   from ministry but they could not tell me they  
18   thought he was guilty --

19   BY MR. ANDERSON:

20          Q.    Well --

21          A.    -- which was a condition for removing from  
22   ministry.

23          Q.    Well, Cardinal, isn't guilt or innocence  
24   to be determined by the civil authorities?

1           A.   Finally at the criminal case, yes.

2           Q.   And when it comes to your priest in this  
3 case, McCormack, upon the recommendation of your  
4 Review Board that he be removed, you decided to  
5 take the risk to leave him in ministry, didn't you?

6           A.   They had not finished their investigation.  
7 There was evidence I was getting from the school  
8 that indicated he had to be innocent. And as far  
9 as I knew, the police had finished their work and  
10 they set him free but they certainly knew about it.

11          Q.   And you're referring to the evidence.

12               Whose job is it then to collect the  
13 evidence that pertains to guilt or innocence?

14          A.   The person who was in charge of the office  
15 for investigating who was Leah McCluskey.

16          Q.   You chose to rely upon some evidence you  
17 said from the school that he was innocent.

18               What evidence was that, Cardinal?

19          A.   I was receiving allegations that he could  
20 not possibly have done this because he was not  
21 physically present in the school the two years  
22 earlier when the abuse was supposed to have taken  
23 place because he was laid up with an injured leg.

24          Q.   Was that from Father McCormack?

1           A.    No.  I didn't talk to Father McCormack.  
2           It was Father Grace who had heard this from the  
3           school.

4           Q.    So it was Father Grace that gave you the  
5           information that McCormack couldn't have committed  
6           the sexual abuse.

7                   Is that what you're saying?

8           A.    There was an allegation to that point that  
9           had to be investigated, go back and check.  That  
10          might not be true.  In fact, it wasn't.  And I  
11          asked the Review Board to finish their work to  
12          investigate that fact.

13          Q.    Any other evidence upon which you relied  
14          to disregard in -- in making the decision to  
15          disregard the recommendation of -- of the Board  
16          other than what Grace told you?

17          A.    May I say, sir, I did not -- I'm sorry.  I  
18          did not disregard it.  I said it wasn't yet ripe  
19          for a conclusion and there were other comments that  
20          apparently were coming from the school to say that  
21          in place in the school was a policy that forbade  
22          any adult to take a child alone outside of a  
23          classroom.

24                   The situation hadn't been investigated

1 fully yet.

2 Q. You said there were other comments besides  
3 information given you by Father Grace.

4 Comments by whom to whom?

5 A. No. All the information I had that I'm  
6 referring to now, sir, was from Father Grace.

7 Q. Okay.

8 So in terms of the evidence upon which you  
9 relied in the decision to not follow the  
10 recommendation came from Father Grace is what  
11 you're saying?

12 A. The information. It didn't rise to the  
13 level of evidence. I wanted it to be investigated  
14 to complete the work of the Review Board. They  
15 never finished their process.

16 Q. Isn't that board appointed to investigate?

17 A. No. They receive the results of the  
18 investigation that's done by Leah. They scrutinize  
19 but they don't go out physically and investigate.  
20 We hire investigators sometimes.

21 Q. Leah is the investigator for the Board?

22 A. Yes.

23 Q. And they made recommendation to you based  
24 on an investigation she had done, correct?

1           A.    I don't think so because they couldn't --  
2           they said they couldn't finish the investigation.  
3           That was the problem. They were unable to finish  
4           the investigation.

5                    If they had finished the investigation,  
6           they would have given me a recommendation that he  
7           was guilty or not. They didn't do that.

8           Q.    Cardinal, referring to the exhibit, moving  
9           down, I'm going to direct your attention and I  
10          think it should be highlighted. The sentence  
11          begins with to the contrary, individual specific  
12          protocols.

13                   Do you see that sentence?

14          A.    Yes, sir, I do.

15          Q.    I'm going to read it and ask you a  
16          question. It states to the contrary, individual  
17          specific protocols for monitoring were not  
18          addressed by the Professional Conduct  
19          Administrative Committee which included the Vicar  
20          of Priests and the Professional Responsibility  
21          Administrator.

22                   Who is then the Vicar of Priests?

23          A.    Father Grace.

24          Q.    And who is the Professional Responsibility

1 Administrator?

2 A. Leah McCluskey.

3 Q. Moving down, the next highlighted portion  
4 should be a sentence in the middle. It begins with  
5 the audit identified.

6 Do you see that?

7 A. Yes, I do.

8 Q. It -- it states -- and I'll then ask you a  
9 question -- the audit identified that had a  
10 complaint of misconduct on the part of  
11 Father McCormack in September of 2003 been properly  
12 dealt with at the time, it would have identified  
13 another alleged sexually abused minor by  
14 Father McCormack. There's then -- it looks -- it  
15 appears to be a typo but I read it to say but no  
16 further investigation this complaint, the  
17 September 2003 allegation was the watershed event  
18 which carried the Archdiocese further into a  
19 slippery slope due to lack of responsive and action  
20 on the part of the Archdiocesan personnel to  
21 another misconduct complaint against  
22 Father McCormack.

23 I appreciate that's a long passage but  
24 when reference is made to the watershed event which



1 carried the Archdiocese further into a slippery  
2 slope, what is your role in this chain of events  
3 described as a watershed carrying the Archdiocese  
4 into a slippery slope?

5 MR. KLENK: Objection to form.

6 THE WITNESS: I found about that complaint only  
7 after the second arrest. The audit found, if I may  
8 quote it myself, that Cardinal George did not know  
9 what he needed to know to make a definitive  
10 decision regarding Father McCormack because he was  
11 not advised of all the information in possession of  
12 his staff. I was not advised of that particular  
13 information that is described as a watershed event  
14 from years earlier.

15 MR. ANDERSON: Okay.

16 BY MR. ANDERSON:

17 Q. Let's go down to the next sentence I think  
18 highlighted. It says Cardinal George was not  
19 apprised of the entirety of information in  
20 possession of the Archdiocese staff regarding the  
21 credibility allegation.

22 Is that -- is that what it says?

23 A. Yes, it does, sir.

24 Q. You were advised of some information?

1 A. Oh, sure, yes.

2 Q. And that information was that  
3 Father McCormack had abused a child?

4 A. No. It wasn't information, sir. That was  
5 an allegation and the police had it and set him  
6 free.

7 Q. And you were apprised that the police had  
8 detained Father McCormack for the crime of sexual  
9 abuse?

10 A. Yes, and set him free.

11 Q. And you -- and you were apprised of that  
12 by Father Grace?

13 A. Yes.

14 Q. And others?

15 A. Well, first of all, by Father Grace  
16 although he thought I knew when he did talk to me  
17 about it.

18 Q. And you assumed that because the police  
19 released him from custody that he was thus not  
20 guilty?

21 A. Well, they also didn't charge him and I  
22 did assume that, sir.

23 Q. Are you aware that Father Grace was  
24 apprised that it was a credible allegation?

1           A.    He did not speak that way to me.

2           Q.    Did you ever ask Dan McCormack if he had  
3   abused a kid?

4           A.    No, I did not.

5           Q.    To this day, have you ever?

6           A.    No.  He confessed in court so I'm sure he  
7   did.

8           Q.    Are you aware that he is alleged to have  
9   abused up to 23 children?

10          A.    I was not aware of that number, sir.

11          Q.    At page four, the top of it -- it starts  
12   actually at the bottom of three.  It begins the  
13   audit identified that on August 29, 2005,  
14   Cardinal George approved the official appointment  
15   of Father McCormack as Dean of the Deanery.

16                That's a supervisory position, isn't it?

17          A.    It is, sir.

18          Q.    And that was effective September 1, 2005.

19                It then goes on to state the office for  
20   the Vicar for Priests.

21                And who was then the Vicar for Priests?

22          A.    That would have been Father Grace.

23          Q.    Had in their position -- possession.  It  
24   says their possession.

1 Do you know who besides Grace?

2 A. The other Vicar for Priests is  
3 Father Vince Costello.

4 Q. And it goes on to say in their possession  
5 derogatory information concerning Father McCormack  
6 which they delayed reporting to the Vicar General.

7 And who is then the Vicar General?

8 A. Father Rassas.

9 Q. Now -- now bishop?

10 A. Yes.

11 Q. It then states the Vicar General was  
12 telephonically advised of the derogatory  
13 information but allowed the appointment to proceed  
14 without requiring further investigation into the  
15 allegation.

16 So that would be Rassas?

17 A. Yes, sir.

18 Q. The next paragraph highlighted portion  
19 beginning with audit review.

20 Do you see that?

21 A. Additional allegations, that paragraph,  
22 sir?

23 Q. It begins with additional allegations --

24 A. I see. I see what you're saying. Thank

1     you.

2           Q.    The highlighted portion says audit  
3    review --

4           A.    Yes.

5           Q.    I'll read that and ask a question.  Audit  
6    review of Father McCormack's seminarian files  
7    failed to locate any documentation of allegations  
8    of sexual misconduct or allegations of sexual abuse  
9    on the part of Father McCormack.  However,  
10   interview of the former Vice Rector.

11                   Who's the former Vice Rector?

12           A.    That would have been at that time --  
13   again, before I got here -- but I -- I believe it  
14   was Father John Canary.

15           Q.    Wasn't it Kicanas?

16           A.    I had thought that Father Kicanas was the  
17   Rector.

18           Q.    Okay.

19                   And it goes on to state of the seminary  
20   identified that three distinct allegations of  
21   sexual misconduct of both adults and of a minor on  
22   the part of Father McCormack were brought to the  
23   attention of the seminary officials in the spring  
24   quarter of 1992.  The former Vice Rector recalls

1       that these allegations were documented to  
2       Father McCormack's file.

3               Have you seen that documentation?

4           A.   Only the memo that the Vice Rector wrote  
5       at the time. I have not seen the original. And  
6       that came to my attention in January of 2006. I  
7       remember reading it and being very disturbed by it.

8           Q.   And what was it that was in it that  
9       disturbed you?

10          A.   What you've just read, sir.

11          Q.   The memo reflected that there had been  
12       multiple allegations of sexual misconduct by  
13       McCormack in seminary, correct?

14          A.   I believe there were only two when he was  
15       a college seminarian and then the immediate  
16       incidents of misconduct when he was in Mexico which  
17       was the only time there was any indication about a  
18       minor. The others were sexual misconduct with his  
19       peers in the seminary, I believe.

20          Q.   So that would be three involving minors  
21       and there's some other adults?

22          A.   No. One. I'm sorry, sir. One involving  
23       a minor.

24          Q.   One involving a minor?

1           A.    Yes.

2           MR. KLENK:  Jeff, we're getting near 12:30  
3           here.  Whenever you reach a suitable stopping  
4           point.

5           MR. ANDERSON:  Okay.  I'll -- I'll go through  
6           this.  I'm almost done.

7           THE WITNESS:  Sure.

8           MR. ANDERSON:  All right.

9           BY MR. ANDERSON:

10          Q.    I'm going to show you what is marked as  
11          206.

12          A.    Thank you.

13          MR. KLENK:  Thank you.

14          BY MR. ANDERSON:

15          Q.    And this is a Sun-Times article quoting a  
16          number of folks, among them, Bishop Kicanas,  
17          K-I-C-A-N-A-S.  And it states referring to  
18          McCormack and his seminary days, quote, it would  
19          have been grossly unfair not to or -- have ordained  
20          him meaning Father McCormack.

21                Based on your review of the memo you  
22          received and as reflected in the Defenbaugh report,  
23          do you agree with Kicanas's assertion?

24          A.    No.

1           Q.   He should never have been ordained, should  
2 he, based on that -- based on that memo you  
3 reviewed?

4           A.   He would not have been ordained now and he  
5 should never have been ordained then.

6           Q.   The last paragraph of this document states  
7 there was a sense -- and this is quoting Kicanas --  
8 there was a sense that his activity was part of the  
9 developmental process and that he had learned from  
10 the experience. Kicanas said, quote, I was more  
11 concerned about his drinking. We sent him to  
12 counseling for that.

13                   It's correct to say that that memo that  
14 you reviewed and those documents regarding  
15 McCormack's seminary years belie the assertion made  
16 by Bishop Kicanas?

17           MR. KLENK: I would object to the extent that  
18 this deals with any report from a mental health  
19 advocate or he's done an analysis. I don't want  
20 him to do that because we are precluded by law, as  
21 you know, from getting into that sort of  
22 information.

23           MR. ANDERSON: I think you can answer,  
24 Cardinal.



1 THE WITNESS: This is a memo based upon report  
2 and the memo does say that his problem is drinking.

3 BY MR. ANDERSON:

4 Q. It also says that he had sexually abused  
5 at least one minor --

6 A. Yes.

7 Q. -- and had engaged in inappropriate sexual  
8 conduct --

9 A. Absolutely.

10 Q. -- with others --

11 A. That's --

12 Q. -- while in seminary?

13 A. But -- and that's why he should have never  
14 been ordained. I agree with you, sir.

15 Q. And so he was not only a problem drinker,  
16 he was a pedophile?

17 A. I believe you're correct, sir.

18 MR. ANDERSON: Let's take a break.

19 THE VIDEOGRAPHER: We are going off the record  
20 at 12:36 p.m. This is the end of videotape number  
21 two.

22 (A short break was taken.)

23 THE VIDEOGRAPHER: We are going back on the  
24 record at 1:08 p.m. This is the beginning of

1 videotape number three.

2 BY MR. ANDERSON:

3 Q. Cardinal, referring you back to  
4 Exhibit 106, the Defenbaugh report, I direct your  
5 attention to page 15 and in the middle of it -- it  
6 may be highlighted -- the paragraph beginning with  
7 during. I'm going to read that and then ask you  
8 some questions.

9 During the review of the case files  
10 involving allegations of sexual abuse of minors by  
11 Father McCormack, it was determined that the  
12 Archbishop was not notified of the  
13 allegations/arrest of Father McCormack until three  
14 days after the Archbishop's return to the  
15 Archdiocese. During the preliminary activities and  
16 inquiry phase of the review process, the PRA sends  
17 a memorandum to the Chancellor.

18 The Chancellor is --

19 A. Mr. --

20 Q. -- Lago?

21 A. Jimmy Lago, yes.

22 Q. It then says the Archbishop's delegate.

23 And that is?

24 A. Father Dan Smilanic.